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Attorneys for Defendants
INTERNATIONAL BUSINESS MACHINES
CORPORATION, and FIDELITY WORKPLACE SERVICES LLC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GARY LIPSON,

Plaintiff,

-against-

INTERNATIONAL BUSINESS MACHINES
CORPORATION, and FIDELITY
WORKPLACE SERVICES LLC,

Defendants.

No. 17-cv-04335-CS

**NOTICE OF MOTION TO DISMISS
THE AMENDED COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying Declaration of Patrick W. Shea, dated August 25, 2017, and the exhibits attached thereto; the Memorandum of Law in Support of Defendants' Motion to Dismiss the Amended Complaint, dated, August 25, 2017; and all other pleadings and papers attached hereto, Defendants will move this Court at the United States Courthouse, 300 Quarropas Street, Courtroom 621, White Plains, New York 10601, at such time as the Court may direct, for an Order pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim, granting Defendants' motion and dismissing the Complaint in its entirety with prejudice, together with such other and further relief as the Court deems just and proper.

Dated: New York, New York
August 25, 2017

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CERTIFICATE OF SERVICE

I hereby certify that on August 25, 2017, a copy of the foregoing Defendants' Notice of Motion to Dismiss the Amended Complaint; Memorandum of Law in Support of Defendants' Motion to Dismiss the Amended Complaint, dated August 25, 2017; and Declaration of Patrick W. Shea, dated August 25, 2017 were filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

A handwritten signature in black ink, appearing to read "Patrick W. Shea", is written above a horizontal line.

Patrick W. Shea